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CHURCH AND STATE

BY

SIR ALEX. T. GALT, K. C. M. G.

“ Qui tacet consentire videtur.”

Canon Law, 43rd Rule.

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TO

The Right Honourable William Ewart Gladstone,

AS A MARK OF

Profound Admiration and Respect.

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PREFACE.

The design of the following pages is to oppose and protest against the efforts now being made by the Roman Catholic Hierarchy of Quebec, to impose upon those belonging to their communion the extreme doctrines of the Italian ecclesiastical school. Considering the solidarity of interest which necessarily exists between Protestant and Catholic in Canada, living together in the same country, owning a common allegiance, and enjoying equal rights, it follows that nothing can occur affecting the welfare of one without materially influencing the future fortunes of all.

In reference to my previous Pamphlet, I wish to make one remark on the opinion therein expressed,—that a possible agitation might be predicted for the dismemberment of Quebec. At the time of Confederation, it was very strongly urged upon me to provide for such dismemberment, and it was from my recollection of these efforts that I expressed the opinion that an agitation of this question might now be looked for. My conviction then was not favorable to this idea, and I may here add that it has not been since changed. As suggested in these pages, safety will be more certainly attained by greater consolidation, rather than further subdivision of the Dominion.

CHURCH AND STATE.

My recent Pamphlet on "Civil Liberty in Lower Canada" has elicited much comment, and provoked some adverse criticism. The latter appears to resolve itself into two allegations, one of which charges me with the desire to provoke religious animosity for private or political ends; the other, which pronounces my fears groundless, and the position I assume unwarranted either by facts, or by logical deduction from known utterances of the Roman Catholic Hierarchy.

To the former charge against myself personally, no lengthened reply is necessary. As regards private or political objects, it is unworthy even of a disclaimer; while from the accusation of seeking to raise a strife of creeds, I can appeal to the record of upwards of thirty years of public life, most of which has been spent in Parliament, both in and out of office, and many years during a period when the most vigorous efforts were made to excite an anti-Catholic agitation; and I can challenge any one to produce a speech or vote by me calculated to wound the feelings or consciences of my Roman Catholic fellow subjects. If such a record be of any value, it should be accepted as my justification, in now presuming to address both Roman Catholics and Protestants alike, for the purpose of entreating them to recognize in time, the grave dangers which threaten the peace of our common country, through the aggressive character of the Roman Catholic Hierarchy, and the irreconcilable conflict they are provoking between the Civil and Religious divisions of society.

The second allegation is more important, as, if my fears are really groundless, and unsustained either by fact, or by reasonable deduction, then my interference has been mischievous, and is not even to be excused by any moderation or liberality displayed by me in the past.

The subject will be most effectively treated by its examination under three distinct heads of inquiry, which may be said to embody in their solution all that was said or implied in my pamphlet.

1st.—Has the attitude of the Roman Catholic Church towards Civil Society changed since Confederation ; and has such change been signalized in Lower Canada by overt action ?

2nd.—Has such change affected the general rights of Protestants, as citizens of Quebec ; and especially, weakened their guarantees obtained at Confederation ?

3rd.—Is the issue thus raised Political or Religious ?

In dealing with subjects of such importance, I shall have to avail myself largely of the material supplied in the course of the controversy between Mr. Gladstone and his distinguished opponents, Cardinal Manning and Dr. Newman. My sole regret is that I cannot borrow, with equal ease, the lucid and cogent reasoning which distinguishes the writings of the eminent English statesman.

To prevent misapprehension, I desire to state most explicitly, in the words of Mr. Gladstone :

“ I desire to eschew not only religious bigotry ; but likewise
 “ theological controversy. Indeed with theology, except in its civil
 “ bearing,—with theology as such—I have here nothing whatever to
 “ do. But it is the peculiarity of Roman theology, that by thrust-
 “ ing itself into the temporal domain, it naturally, and even
 “ necessarily comes to be a frequent theme of political discussion.”

In the course of my remarks, I shall frequently have occasion to make use of the term "Roman Catholic Church," which I desire may be understood as designating its government and polity, not as referring to it as a system of religious faith. Without this explanation I might be understood, as entering on the domain of polemical discussion in some of my references.

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Has the attitude of the Roman Catholic Church towards Civil Society changed since Confederation ; and has such change been signalized in Lower Canada by overt action ?

The Confederation of the British North American Provinces was proclaimed on the 1st July, 1867, and the antecedent discussions may be definitively stated to have commenced at the Charlottetown conference, in September, 1864.

The Syllabus Errorum was issued by the authority of Pope Pius IX, on 8th December, 1864.

The Vatican Council met at Rome on the 8th Dec., 1869. And the celebrated Dogmatic Decrees were promulgated on the 18th July, 1870.

It is therefore evident that if the Syllabus and the Vatican Decrees have in any way altered the relations of the Church of Rome towards civil society, the first division of the question must be answered affirmatively.

Although this might, I think, be taken for granted, in view of the manner in which these extraordinary dogmas are regarded in the principal countries of Europe ; yet, before proceeding to treat of their effect in the Province of Quebec, it will be interesting to offer

some observations upon the general subject, as bearing upon their special application to ourselves.

It is familiar to all that the Vatican Decrees are intended to be the conclusion of many ages of agitation and strife in the Roman Catholic Church. For centuries the contest has been waged between the Ultramontanes and their opponents. It found expression in the contradictory acts of previous Ecumenical Councils; it produced most serious schisms; and it developed itself even in the extraordinary rivalry of co-existent Popes. Considering the attitude always maintained by France in the struggle, no one would have expected, to witness in our day, the apparent triumph in that great country of the advocates of supreme ecclesiastical Roman authority. Louis IX, better known as Saint-Louis, was perhaps the first, certainly the most distinguished, King of France who determinedly opposed the Papal aggression upon the Episcopate and Crown of France, and upheld what have since been known as the Gallican Liberties, and in the long train of Sovereigns who succeeded him, no sign of surrender of these highly prized rights had been given.

What may have led to the present outward submission of the Episcopal and Civil Authorities of France to the Vatican Decrees, and their consequences, can only be conjectured. But that the termination of the conflict was approached with feelings of the utmost apprehension by many great and good men of the Catholic faith is well known, and was even abundantly shown at the Vatican Council itself. But among the many prayers for wiser counsels, I have met with none more solemn than that mournful appeal from Count Montalembert, in his letter to Dr. Von Dollinger, of 7th November, 1869, written shortly before his death.

Count Montalembert has such a world-wide fame

as a Roman Catholic Christian of the highest and purest type, and occupied such intimate relations to Monseigneur Dupanloup, the great and good Bishop of Orleans, and to the Gallican Clergy of France, that his words must carry much weight with his kinsmen by race and religion in Canada. He says in writing to Dr. Von Dollinger praying him to attend the Vatican Council, and oppose the Ultramontane party :

Now, I am your friend, and one whose voice comes to you, as it were, from the other world. I have already lain down alive in my coffin, but the coffin is not yet closed. That is the place whence I observe, with the disinterestedness and impartiality of a dead man, all that passes in this world, and it is thence that I can speak with the authority of a dead man, to those who are still willing to hear me. In my eyes, no consideration would justify your absence from this Council, if you have the means of being present at it, and if, as Mgr. Dupanloup tells me, Cardinal Schwarzenberg has insisted, and still insists with the Roman authorities, that you should be summoned, no obstacle ought to prevent you from complying with this desire.

I swear to you that if I could espy any means whatever for myself, a simple layman, to be admitted to the Council, nothing should stop me. Wretched as my health is, I should strive to drag myself to Rome, even if I were to die upon the road, and supposing once I got there, I could not get an opportunity of speaking, I should go if it were only to protest by my presence, by that sad and steady look of which Bossuet speaks, against the rascalities which are going to be enacted, and are likely to triumph.

And I, I am nothing, I never have been anything in the Church, but you, who are unquestionably the first man in the Church of Germany, how could you refuse the mission of defending her, and representing her in this formidable crisis? God has bestowed upon you a blessing whose value you can never know, in granting you not merely a long life, which is a very small thing, but an old age without debility. It is your duty in return to consecrate this priceless gift to the glory of His Church and the defence of the truth.

The sense of coming evil must have been overwhelming in the mind of this eminent man, when he

penned these lines, and the remainder of the letter from which they are quoted.

In France, therefore, it cannot be denied that a mighty change has occurred since 1870 in the attitude of the Church, when we see the cherished liberties of centuries swept away.

In Germany the conflict created with Civil power, through the Vatican Decrees, is still more evident, and pregnant with instruction to our Hierarchy here, if they will receive the lesson. There Prince Bismarck has recognized the extent to which the claims of Rome are being enlarged, and has met them by the severest measures of repression. The celebrated Falck Laws, which probably go much further than was necessary for the assertion of the civil supremacy of the State, plainly indicate the grave dangers that follow extreme pretensions on either side.

In Great Britain the profound interest evinced in the controversy between Mr. Gladstone and his opponents, affords sufficient evidence that there also the Vatican Decrees are regarded with apprehension and jealousy.

It will, therefore, scarcely be questioned—that in Europe—since 1870, a most marked change has taken place in the relations of the Church of Rome towards Civil States. But perhaps no better corroborative evidence of the truth of this statement can be offered, than the fact, that ever since the adjournment of the Vatican Council, the most acute intellects of what may be termed the Vatican party, have been devoted to explain away the seemingly obvious meaning of the Dogmas on Obedience and Infallibility. When vigorously assailed by Dr. Schulte, we find the late Bishop Dr. Joseph Fessler devoting all the resources of his vast learning to prove that nothing unusual or calculated to shock human

intelligence was meant. Again, in the Gladstone controversy it is almost painful to read the efforts of Dr. Newman to reconcile the obvious meaning of language with the demands of his naturally subtle and yet robust intelligence. His chapter on "Conscience" is a most remarkable proof of the difficulty in which he found himself, and from which he at last escapes by the declaration that finally even the Dogmas of Infallibility and Obedience must yield to the supreme dictate of Conscience. Even Cardinal Manning, knowing the temper of the court of public opinion before which he was pleading, equally finds it necessary to disclaim the extreme latitude to which the wording of the Vatican Decrees may be extended. But the positions taken by Mr. Gladstone appear to my mind wholly uninjured, and his charge fully sustained by historic references, that the present attitude of Rome is incompatible with Civil Allegiance and Civil Liberty.

While, however, the controversial discussions have produced, what may be termed apologetic disclaimers from the Roman Theologians, we find full effect attempted to be given at this moment in Spain, to the most ultra doctrines of the Syllabus and the Dogmatic Decrees—and, in fact, their strict observance insisted upon in every country where the Civil power is controlled by the Hierarchical. It is eminently suggestive of the light in which our Quebec rulers are regarded to observe the very different ground occupied by the Roman Catholic Church in this Province, from that taken in Ontario and the Maritime Provinces.

The contradictory attitude of the Church of Rome in different countries, and at this moment even in the Dominion, can only be explained by the extraordinary elasticity with which it adapts itself to surrounding circumstances. Wherever it reigns supreme, and *con-*

trols the Civil Government, it is exclusive, despotic and grasping ; but when, as in England, and until lately in Canada, it is unconnected with the State, it confines itself to its proper functions of teaching piety and morality.

To prove that the policy of adaptation is not a vague or unsupported charge, but has been the *principle* upon which the Church of Rome has invariably acted, I shall have to quote at length from the writings of Dr. Joseph Fessler, late Secretary General to the Vatican Council, in his work on the "True and the False Infallibility of the Popes," which was a defense and explanation of the Dogmatic Decrees, and which received a Brief of Approbation from Pius IX.

"Externally, however, we find that in the course of centuries the Church has adopted a very different conduct towards heretics, according to the different circumstances in which she has been placed in her intercourse with the world.

Thus we may distinguish four different periods.

The 'First period' reaches from the commencement of the Christian era to the first decade of the fourth century. During this time, in treating with heretics, Christians acted according to the words and examples of the Apostles. What this way was, the Apostle Paul told the faithful : 'A man that is a heretic, after the first and second admonition avoid, knowing that he that is such an one is subverted and sinneth, being condemned by his own judgment.' (Titus iii. 10, 11.) And the Apostle John says : 'If any man come to you and bring not this doctrine, receive him not into your house, nor say to him, God speed you (2 John v. 10). This is the way in which the early Catholics protected themselves from heretics ; they excluded them from their communion, and in some cases, even broke off intercourse with them in order that they might not be corrupted by their errors.

The 'Second Period' begins with the First Council of Nicæa, A.D. 325, at which time the Christian rulers of the Roman Empire sent the principal teachers of error into banishment from political

reasons, and in order to prevent their doing mischief, because there was good reason for considering them disturbers of the public peace; and severe fines and other punishments were imposed on those who were the disciples of their errors. This period lasted for some centuries, as long as the Roman law was in force.

In the 'Third Period,' that of the Middle Ages, rulers went farther; fines were not only followed by confiscation of goods, but even capital punishment or imprisonment for life was pronounced against heretics, and this by the imperial laws of the Emperor Frederick II. and other emperors; to these laws the Popes were a party, as Leo X. expressly testifies. At that time, people looked upon heresy as a breach of the imperial law, to be punished with the loss of honour, forfeiture of goods, deprivation of civil rights, &c. Testimony of this is expressly given by Frederick II., who declares that in punishing heretics, he was but exercising his own temporal power, wholly independently, and was not acting under the influence of any spiritual authority. The reason the emperor gives for inflicting such heavy penalties was because it was a greater breach of the law to offend against the Divine Majesty than against any earthly majesty. This was the general way of viewing men's public social relations at that time. This period lasted till well on into the sixteenth century.

The 'Fourth Period,' which has been running its course up to the present time from the seventeenth century, did away with those penal enactments which had been passed under very different circumstances, as the reasons which had led to their being enacted, and the principles on which they rested, were no longer in force since the establishment of Protestant States in Europe. This is the period in which we meet with only protests or the reservation of rights, when, the rights of the Church, whether divine, or legal, or accruing to her from contract, were violated in favor of heretics.

The foregoing authorized historical summary of the course of Rome towards heretics is instructive to us in two most important respects. It teaches, first, that the Roman Church has never absolutely withdrawn from any of her alleged franchises. And secondly, that in the present age, she will not insist upon them when vigorously resisted. The latter point is that which concerns

us, both Catholic and Protestant in Canada, at this time, when the attempt is being made to introduce amongst us, innovations equally repugnant to the Catholic as to the Protestant.

From the foregoing imperfect recital of the controversy which, in varied form, and with differing weapons, has been and is now taking place in Europe, I consider the conclusion inevitable, that the Syllabus and the Vatican Decrees have materially altered the relations of the Church of Rome towards Civil society, and grievously disturbed the mind and conscience of both Catholic and Protestant.

I shall now proceed to examine how far Canada, and especially the Province of Quebec, is affected by these momentous Decrees.

Let me first endeavor to define the position of the Roman Catholic Church in Lower Canada (Quebec) from the date of its cession to Great Britain in 1759 to the period of Confederation, and subsequently.

In the celebrated Guibord case, I find in the Judgment of the Privy Council the law very clearly laid down. My Lords say :

"The following are the public documents which show how the Roman Catholic Church in Lower Canada was dealt with on the conquest and cession of the province :—

The 27th Article of the instrument of cession is in these terms :

"Le libre exercice de la religion Catholique Apostolique et Romaine subsistera en son entier, ensorte que tous les états et le peuple des villes et des campagnes, lieux et postes éloignés, pourront continuer de s'assembler dans les églises et de fréquenter les sacrements comme ci-devant, sans être inquiétés d'aucune manière, directement ou indirectement. Ces peuples seront obligés par le Gouvernement Anglais à payer aux prêtres qui prendront soin les dîmes et tous les droits qu'ils avaient coutûme de payer sous le gouvernement de Sa Majesté Tres Chrétienne. Accorde pour le libre exercice de leur religion ; l'obligation de payer les dîmes aux prêtres dépendra de la volonté du Roi."—(Page 15, "Actes Publics.")

Again, in the treaty of 1763 it is said :—

“Sa Majesté Britannique consent d'accorder la liberté de la religion Catholique aux habitants du Canada, et leur permet de professer le culte de leur religion, autant que les lois de l'Angleterre le permettent.”

And lastly, by an Act of Parliament passed in 1774 (14 Geo. III, c. 83), intituled, “An Act for making more effectual Provision for the Government of Quebec, in North America,” it was declared by section 5 that, for the more perfect security and ease of the minds of the inhabitants of the said province, His Majesty's subjects professing the religion of the Church of Rome, of and in the said Province of Quebec might have, hold, and enjoy the free exercise of the religion of the Church of Rome, subject to the King's supremacy, declared and established by an Act made in the first year of the reign of Her Majesty, Queen Elizabeth, over all the dominions and countries which then did, or should thereafter belong to the Imperial Crown of this realm, and that the clergy of the said Church might hold, receive, and enjoy their accustomed dues and rights with respect to such persons only as should profess the said religion.

And by the 8th section it is enacted :

“That all His Majesty's Canadian subjects within the Province of Quebec the religious orders and communities only excepted, may also hold and enjoy their property and possessions, together with all customs and usages relative thereto, and all other their civil rights, in as large, ample, and beneficial a manner as if the said proclamation, Commissions, Ordinances, and other Acts and Instruments had not been made, and as may consist with their allegiance to His Majesty, and subjection to the Crown and Parliament of Great Britain ; and that in all matters of controversy, relative to property and civil rights, resort shall be had to the laws of Canada as the rule for the decision of the same,” &c.

From these documents it would follow that, although the Roman Catholic Church in Canada may on the conquest have ceased to be an Established Church in the full sense of the term, it, nevertheless, continued to be a Church recognized by the State ; retaining its endowments, and continuing to have certain rights (e.g., the perception of “dimes” from its members) enforceable at law.

It has been contended on behalf of the Appellants that the effect of the Act of Cession, the Treaty, and subsequent legislation, has been to leave the law of the Roman Catholic Church as it existed and was in force before the Cession, to secure to the Roman Catholic

inhabitants of Lower Canada all the privileges which their fathers, as French subjects, then enjoyed under the head of the liberties of the Gallican Church; and further that the Court of Queen's Bench, created in 1794, possessed, and that the existing Superior Court now possesses as the Superior Council heretofore possessed, the power of enforcing these privileges by proceedings in the nature of "*appel comme d'abus*." Considering the altered circumstances of the Roman Catholic Church in Canada, the non-existence of any recognized ecclesiastical Courts in that province, such as those in France which it was the office of an "*appel comme d'abus*" to control and keep within their jurisdiction; and the absence of any mention in the recent Code of Procedure for Lower Canada of such a proceeding, their Lordships would feel considerable difficulty in affirming the latter of the above propositions.

And again :—

"The Court has a right to enquire, and is bound to enquire, whether that act was in accordance with the law and rules of discipline of the Roman Catholic Church which obtain in Lower Canada, and whether the sentence, if any, by which it is sought to be justified, was regularly pronounced by an authority competent to pronounce it.

It is worthy of observation, as bearing both upon the question of the *status* of the Roman Catholic Church in Lower Canada, and the manner of ascertaining the law by which it is governed, that in the Courts below, it was ruled, apparently at the instance of the respondents, that the law, including the ritual of the Church, could not be proved by witnesses, but that the Courts were bound to take judicial notice of its provisions.

The application of this ruling would be difficult, unless it be conceded that the ecclesiastical law which now governs Roman Catholics in Lower Canada is identical with that which governed the French province of Quebec. If modifications of that law have been introduced since the cession, they have not been introduced by any legislative authority. They must have been the subject of something tantamount to a consensual contract binding the members of that religious community, and, as such, ought, if invoked in a Civil Court, to be regularly proven.

It seems, however, to be admitted on both sides that the law upon the point in dispute is to be found in the Quebec ritual, which

was certainly accepted as law in Canada before the cession of the province."

And again, referring to the excommunication of Guibord as a member of the Institut Canadien, my Lords say:—

" Their Lordships are satisfied that such a discretionary enlargement of the categories in the Ritual would not have been deemed to be within the authority by the law of the Gallican Church as it existed in Canada before the cession ; and, in their opinion, it is not established that there has been such an alteration in the *status* or law of that Church founded on the consent of its members, as would warrant such an interpretation of the Ritual, and that the true and just conclusion of law on this point is, that the fact of being a member of this Institute does not bring a man within the category of a public sinner, to whom Christian burial can be legally refused.

It would further appear that, according to the ecclesiastical law of France, a personal sentence was in most cases required in order to constitute a man a public sinner."

And lastly :—

" *Gibert*, in his *Institutes*, says that the *ipso facto* excommunication inflicted by the Council of Trent as the punishment of reading or possessing prohibited books would have no effect in France *dans le for extérieur*. *Dupin*, a jurist already mentioned, denies the authority in France of the decrees of the Congregation. He says :—

" En effet, en consultant les précédents, on trouve un célèbre arrêt du Parlement de Paris qui l'a jugé ainsi en 1647, après un éloquent plaidoyer de l'Avocat-General Omer Talon :

" *Nous ne reconnaissons point en France,* dit ce Magistrat, *' l'autorité, la puissance, ni la juridiction des congrégations qui se tiennent à Rome ; le Pape peut les établir comme bon lui semble dans ses Etats ; mais les décrets de ces congrégations n'ont point d'autorité ni d'exécution dans le royaume.*

. . . . Il est vrai que dans ces congrégations se censurent les livres défendus, et dans icelles se fait *l'index expurgatorius*, lequel s'augmente tous les ans ; et c'est là où autrefois ont été censurés les arrêts de cette cour rendus contre Chastel, les œuvres de M. le Président de Thou, les libertés de l'Eglise Gallicane, et les autres livres qui concernent la conservation de la personne de nos rois et l'exercice de la justice royale.' " &c.—(Dupin, Droit Public Ecclésiastique, avertissement sur la 4ème édition).

No evidence has been produced before their Lordships to establish the very grave proposition that Her Majesty's Roman Catholic subjects in Lower Canada have consented, since the cession, to be bound by such a rule as it is now sought to enforce, which, in truth, involves the recognition of the authority of the Inquisition, an authority never admitted but always repudiated by the old law of France. It is not, therefore, necessary to enquire whether since the passing of the 14 Geo. III, c. 83, which incorporates (s. 5) the 1st of Elizabeth, already mentioned, the Roman Catholic subjects of the Queen could or could not legally consent to be bound by such a rule.

From the foregoing citations from the Judgment of the Privy Council, it is clear that the status of Her Majesty's Roman Catholic subjects in Lower Canada is that enjoyed by them under the old law of France prior to the cession. It is under that condition of law that the Church, as a body politic, exists; and while, as in the Guibord case, it cannot be doubted that the civil rights of members of that communion will be maintained by our Courts of Law, the question may well arise, whether serious innovations upon the law and practice of the Church under old France, may not produce a virtual forfeiture of the special privileges conferred upon the Church, as a body politic. It is a widely different thing to guarantee the peaceful enjoyment of their "culte" and "dîmes," from pledging the faith and power of the Crown to the enforcement of the decrees of a foreign power, even though that power acts under the insidious guise of only dealing with "faith and morals."

Yet there is one point already indicated in the elaborate Judgment of the Privy Council, which, to my mind, renders my appeal to Roman Catholics in Canada at this moment justifiable, and even imperative.

My Lords, in the foregoing extract, say :—

"No evidence has been produced before their Lordships to

establish the very grave proposition that Her Majesty's Roman Catholic subjects in Lower Canada have consented, since the cession, to be bound by such a rule as it is now sought to enforce, which, in truth, involves the recognition of the authority of the Inquisition, an authority never admitted but always repudiated by the old law of France. It is not, therefore, necessary to enquire whether since the passing of the 14 Geo. III, c. 83, which incorporates, (s. 5) the 1st of Elizabeth, already mentioned, the Roman Catholic subjects of the Queen could or could not legally consent to be bound by such a rule."

It is hence evident that in their Lordships' view, *subject to the concluding reservation*, it is competent for the Roman Catholics, by their own "consent," expressed in legislation, to deprive themselves of the protection they now enjoy under the Ecclesiastical Law as administered in France prior to the conquest. Will they perform this suicidal act?

It is thus proved by the very highest authority that the status of Roman Catholics in Canada (subsequently confined to Quebec only) is that possessed by the Catholic Church in France prior to 1759; and this view has been further most distinctly stated by the theologians to whom certain questions on the subject were addressed by the Bishops of Montreal and Rimouski on behalf of the Quebec Council of Bishops in 1873. I shall now proceed to signalize the various pretensions put forth by the Roman Catholic Hierarchy, with the view of altering this status, and the measures already devised for giving them the sanction of law.

There is no doubt that for many years even prior to the publication of the Syllabus, a new ecclesiastical element obtruded itself into the Roman Catholic clerical body in Lower Canada. The peaceful, loyal, modest, intelligent priest who, in almost a patriarchal spirit, had directed the consciences of a simple peasantry, began to find his domain invaded by the more active and ener-

getic spirit of the Ultramontane. The Bishops were brought more directly under the control of the Sacred College, vacancies in the Episcopate were filled with men more suited to the requirements of Rome, greater development was given to the establishment of religious bodies, and the control of education, both in its higher and inferior branches, was sought to be placed in the hands of the priesthood.

But until after the promulgation of the Vatican Decrees—that is long subsequent to the date of Confederation—no pretension of interference in civil matters was put forth, beyond the legitimate influence which no one desires to deny to the clergy of all persuasions, in their character of citizens. Can it, with any truth, be said that this state of things exists to-day? In answering this question, I shall have further occasion hereafter to cite various official utterances of the Hierarchy in Lower Canada, and leave it to others to reconcile them with the continued exercise of “free speech, a free press, and free political action.” But, first, let me quote from the *Syllabus Errorum* certain opinions which are expressly *condemned*.

That it appertains to the civil power to define what are the rights and limits within which the Church (Roman Catholic) may exercise authority.—(Syl. sec. 19.)

That the ecclesiastical power must not exercise its authority without the permission and assent of the Civil Government.—(Syl. sec. 20.)

That the Roman Pontiffs and Œcumenical Councils have exceeded the limits of their power, have usurped the right of Princes, and have even committed errors in defining matters of faith and morals.—(Sec. 23)

That the Church has not the power of availing herself of force, or any direct or indirect temporal power.—(Sec. 24.)

That the immunity of the Church and of ecclesiastical persons derives its origin from civil law.—(Sec. 30.)

That the commonwealth is the origin and source of all rights, and possesses rights which are not circumscribed by any limits.—(Sec. 39.)

That in the case of conflicting laws between the two powers, the civil law ought to prevail.—(Sec. 42.)

That the laws relating to education belong exclusively to the State.—(Secs. 45, 46, 47, 48.)

That the State ought to be separated from the Church, and the Church from the State.—(Sec. 55.)

That marriage is a civil contract, and can be dissolved by civil authority.—(Sec. 65, and following sections to 74.)

That in the present day it is no longer expedient that the Catholic religion shall be held as the only religion of the State, to the exclusion of all other modes of worship.—(Sec. 78.)

That it has been wisely provided by law in some countries called Catholic, that persons coming to reside therein shall enjoy the public exercise of their own worship.—(Sec. 78.)

That the Roman Pontiff can and ought to reconcile himself to, and agree with, progress, liberalism, and civilization.—(Sec. 80.)

And to the foregoing opinions, which are expressly condemned, Pope Pius IX., in his Encyclical of 8th December, 1864, which accompanied the Syllabus, also condemned those who maintain the liberty of speech, of conscience, of worship, and of the press.

It is only candid to admit that many Catholic writers contend that the Syllabus is not pronounced *ex Cathedra*, and therefore not absolutely binding on the

conscience or demanding implicit obedience.* And possibly the Encyclical Letter of 8th December, 1864, is in the same position, though this seems more doubtful; but that this is not the view adopted by the Hierarchy of Quebec will be abundantly proven from their own official utterances, which seek to rivet the most extreme pretensions of the Syllabus on the consciences of their people, wholly disregarding the moderate and wise course of action laid down by Archbishops Lynch of Ontario and Connolly of Nova Scotia.

I have neither the ability nor the inclination to enter into the wide field of discussion which has been

*Dr. Fessler says in the Preface to his work already quoted:—

“An Augsburg reviewer takes objection to my expression: ‘It is by no means an established fact among Catholic theologians, that the Syllabus with its eighty propositions belongs to those definitions of doctrine which are to be characterized as infallible;’ and is of opinion that in saying this, I show that the notes cannot be relied on, which I have given to make it plain how an utterance of the Pope may be recognized as *ex cathedrâ*. I, on the contrary, find that in this case, as in a hundred others, we can fully rely on the notes which have been given, for they are really good and sound notes; but yet, notwithstanding this, the application of these notes to particular cases may have its difficulties. It is the business of the science of theology to support the different views which may be taken of this question by such arguments as it has at its command, and probably in this way to bring it to pass that the right view should become the generally received view.

“Should this not take place, then the authoritative decision on the matter may at any time follow. Before the Vatican Council was summoned, a Catholic was bound to pay obedience and submission to the Syllabus; nor has the Vatican Council in any respects altered this conscientious obligation. The only question which could arise was, whether the Syllabus possesses those notes on the face of it, which, according to the doctrinal definition of the fourth session of the said Council, belong to an utterance of the Pope *ex cathedrâ*.

“The ‘Syllabus,’ as its title shows, is nothing but a collection of those errors of the age that we live in, which Pope Pius, in earlier Rescripts of different dates, has declared to be errors, and which accordingly he has condemned. The condemnation of errors, according to the traditional practice of the Church, is made in various forms; sometimes they are con-

opened, as to what may or may not be, the precise present authority of the Syllabus or Encyclical Letter, but the writers referred to abundantly prove that in their opinion it requires no more than the Papal fiat to make them absolutely binding on every Roman Catholic, and consequently in many countries, and certainly in Canada, to array them in antagonism to their fellow subjects of other creeds.

With reference to this point, I have read with much interest, a very able and temperate letter, that appeared in the *Toronto Globe*, dated 15th March, by an "Ultra-montane," and I entirely agree with him that so far as

demned as heretical; sometimes as savouring of heresy; sometimes as schismatic; sometimes simply as erroneous, or false; sometimes as dangerous, or scandalous, or perverse; sometimes as leading to heresy, or to schism, or to disobedience to ecclesiastical superiors. When a particular doctrine has been condemned by the Pope as heretical in the way designated by the doctrinal definition of the Vatican Council, speaking of the Infallible teaching office of the Pope;—then, indeed, there can be no doubt that we have, under these circumstances, an utterance of the Pope *ex cathedrâ*. But as in the Syllabus, through the whole catalogue of eighty propositions, designated generally in the title as 'Errors' (*Syllabus errorum*), there is nothing to show, as was pointed out above, under what category of condemned propositions, according to old ecclesiastical usage, a particular error falls, we are compelled to have recourse to the records or sources, in which the particular propositions of the Syllabus have been on previous occasions condemned by Popes, in order to learn whether it is condemned simply as erroneous, or whether it has some other designation, and notably whether it has been condemned as heretical."

Dr. Newman writes in his chapter on the Syllabus:—

"The Syllabus, then, is to be received with profound submission, as having been sent by the Pope's authority to the Bishops of the world. It certainly has indirectly his extrinsic sanction; but intrinsically, and viewed in itself, it is nothing more than a digest of certain Errors made by an anonymous writer. There would be nothing on the face of it to show that the Pope had ever seen it, page by page, unless the 'Imprimatur' implied in the Cardinal's letter had been an evidence of this. It has no mark or seal put upon it which gives it a direct relation to the Pope. Who is its author? Some select theologian or high official, doubtless; can it be Cardinal Antonelli himself? No, surely; any how it is not the Pope, and

the attitude of the Roman Catholics is concerned, they ought to seek and obtain an authoritative statement of that which their Church requires. But while this may be a very excellent and prudent course for them to take as members of the Church of Rome, they cannot expect that Protestants will submit their claims or position to the tribunal he suggests,—the Roman Pontiff,—at the moment when in the Province of Quebec, we see the interpretation put upon the Syllabus and Vatican Decrees by the Hierarchy. “Ultramontane” writes apparently under the impression that the Bishop of Montreal is the only prelate who has taken up an extreme position, whereas, in point of fact, the difficulty would be to find one who had not. It is true, Mgr. Bourget is the most outspoken, but his opinions are equally acted upon by other Bishops, and have in no respect been condemned by the Archbishop or Council of Bishops.

At the fifth Provincial Council of the Hierarchy, held at Quebec in 1873 (approved by the Pope in Sep-

I do not see my way to accept it for what it is not. I do not speak as if I had any difficulty in recognizing and condemning the Errors which it catalogues, did the Pope himself bid me; but he has not as yet done so, and he cannot delegate his *Magisterium* to another. I wish with St. Jerome to “speak with the Successor of the Fisherman and the Disciple of the Cross.” I assent to that which the Pope propounds in faith and morals, but it must be he speaking officially, personally and immediately, and not any one else who has a hold over me. The Syllabus is not an official act, because it is not signed, for instance, with ‘Datum Romæ, Pius P.P. IX.’ or ‘sub annulo Piscatoris,’ or in some other way; it is not a personal, for he does not address his ‘Venerables Fratres,’ or ‘Dilecto Filio,’ or speak as ‘Pius Episcopus;’ it is not an immediate, for it comes to the Bishops only through the Cardinal Minister of State.

“If, indeed, the Pope should ever make that anonymous compilation directly his own, then, of course, I should bow to it, and accept it as strictly his. He might have done so; he might do so still; again, he might issue a fresh list of Propositions in addition, and pronounce them to be Errors, and I should take that condemnation to be of dogmatic authority, because I believe him appointed by his Divine Master to determine in the detail of faith and morals what is true and what is false.”

tember, 1874), among many other Decreta affecting the conduct of the "faithful," I find the following judgment upon the relations of the Roman Catholic Church towards the State :—

"We assert that the Church is a perfect Society, independent of the Civil power and Superior to it. Between the religious authority of this Society (the fulness of which authority resides in the Roman Pontiff) and the political power of the Christian ruler there exists, from the very nature of things, such a relation, that the latter is to the former not only negatively but also positively subordinate, although indirectly so. The Civil power can do nothing which tends to the injury of the Church, and ought to abstain from such acts as would clash with the laws of the Church, and, indeed, should also, at the request of the Church, co-operate toward its benefit and the attainment of its supernatural end. This is the true doctrine of Boniface the Eighth, in the Bull *Unam Sanctam*, in which he teaches that the material sword should be subordinate to the spiritual sword, and should be used for the Church, but not against the Church. The opinion of the Fathers is the same who write that the Civil power has been instituted by God for the protection and care of the Church." *

Following out the idea contained in the above Decretum, Mgr. Bourget says in his Pastoral of 5th May, 1875, just before the Local Elections for the Province of Quebec :—

EIGHTH RULE.—*Who are those who ought not to be voted for?*

We have just told you, our very dear brethren, with the full

* *Profitemur Ecclesiam esse societatem perfectam, independentem a potestate civili, eaque superiorem. Inter religiosam hujus societatis auctoritatem, cujus plenitudo est in Romano Pontifice et potestatem politicam christiani gubernii, ea existit ex ipsis rerum naturis relatio ut hæc sit illi nedum negative sed et positive subordinata, licet indirecte. Potestas scilicet civilis nihil agere potest quod redundet in damnum Ecclesiæ, et ab iis actibus abstinere debet qui jura Ecclesiæ læderent; imo debet etiam, quando societas religiosa id exposcit, ad ejus bonum et ad ejus finem supernaturalem attingendum conferre. Hæc est certa doctrina Bonifacii VIII. in Bulla *Unam Sanctam*, in qua docet *gladium materiale* esse oportere *sub gladio spirituali* et esse adhibendum *pro Ecclesia*, non autem contra Ecclesiam. Eadem est sententia Patrum, qui scribunt potestatem civilem a Deo esse institutam *in presidium et tutelam Ecclesiæ*. .*

liberty accorded us by the sacred ministry which we exercise, who are the candidates for whom you ought to vote on account of their good principles. We will now instruct you as to who are those who do not merit your confidence.

Assuredly, our very dear brethren, those do not deserve your suffrages who show themselves hostile to religion, and to the divine principles which it teaches; who advance and maintain in their speeches and writings, errors which the Church condemns; who, in order to secure their election at all costs, make use of corruption, lies, frauds and the excess of intemperance; who refuse their Curés the right to give instructions with regard to the conscientious duties devolving upon the candidates as well as the electors, pretending that they ought not in any way to mix themselves up in elections; who would have the Church separated from the State; who support doctrines which are condemned by the Syllabus; who oppose all intervention by the Pope, Bishop or Priests, in the affairs of the Governments, as if these Governments were not subject to the principles that God has revealed to the Church for the good government of the people; who presume to teach that the Church has nothing to do with political questions, and that she errs when she meddles with them; who criticize and blame the pastorals and circulars of the Bishops and the instructions of Pastors relative to elections; who, in spite of their protestations in favor of religion, effectively favor and openly praise the papers, books, and associations of men which the Church condemns; who do not fear to say that the Priests ought to remain secluded in the Church and the sacristy, and who organize themselves to prevent them, if they can, from teaching sound political principles, such as the Church herself teaches; who dare to predict that the Priests will be persecuted, ill-treated, imprisoned and exiled, in Canada, as they are in Germany and other countries, if they continue, as they are doing, to engage in elections.

Again, in his other Pastoral, read at all the Churches on Sunday, 4th April. 1875, he proscribes the *Montreal Witness*, and denounces spiritual penalties and disabilities here and hereafter against all who should subscribe for or even read that paper.

Again in his Pastoral Letter of 3rd October, 1875,

Mgr. Bourget says in reference to the law as laid down by H. M. Privy Council :—

“ The *Gallican liberties*, which have been appealed to to that end, being now considered even in France as real servitudes which deprived the Church of her legitimate liberties, cannot be set up as giving anyone the authority here in Canada to encroach upon the rights of the Holy Church.

“ It is to the Church alone to decide whether the decrees of the Council of Trent are or are not binding in any particular country.

“ To her also is reserved the right of judging whether sinners who are under the weight of censures have made the requisite reparations to merit the pardon of their faults and participate in the benefits of religion.”

“ Allow us, in conclusion, to observe, our very dear brethren, that this decision might not have been given if the noble Lords who compose the Privy Council and advise Her Majesty could have been able to assure themselves that it would tend strangely to grieve the Bishops of this country.”

Finally, in his Pastoral Letter of 1st February last, (1876,) quoted in my former pamphlet, he caps the climax by declaring “ each one of you can and ought to say in the interior of his soul, ‘ I hear my Curé ; my Curé hears the Bishop ; the Bishop hears the Pope, and the Pope hears our Lord Jesus Christ, who aids with his Holy Spirit to render them infallible on the teaching and government of His Church.’ ”

The foregoing quotations are merely selections from a mass of documentary evidence produced since 1870, which conclusively proves that the course adopted is not the caprice of one over-zealous prelate, but the deliberate policy of the whole Hierarchy ; and it is to be observed that the entire body of proof thus furnished bears date subsequently to 1870, and the most aggressive portion within the last two years— all being long after Confederation, and much the greater

part since my own retirement from public life in 1872. I conceive, therefore, that I was fully justified in writing my letter of 31st May, 1875, to the Hon. J. G. Robertson, already published, and in using the following language :

“ On my return from the West, I am much concerned to observe the attitude taken by the Ultramontane Party, not only towards liberal Roman Catholics, but also towards us Protestants. I refer more immediately to the manifesto by the Roman Catholic Bishop of Montreal, but remotely, though not less directly, to the ecclesiastical pressure which has been put upon the press of the country, and the claim advanced, with ever-increasing arrogance, to the right of the Roman Catholic Church and its Hierarchy to control and direct the scope of political action and public law within the Province of Quebec, treating it as their own peculiar domain, and regarding us as strangers and aliens, holding no status of our own, but simply tolerated in their midst.”

The extracts given prove in the most authentic manner possible, that the Roman Catholic Church in Quebec extends its demands—

1.—To the general assertion of the superiority of ecclesiastical over civil authority.

2.—To positive interference with both voters and candidates in the Elections.

3.—To the exercise of proscription against the press.

4.—To the condemnation of freedom of speech, in opposition to the judgment of the Privy Council.

And Lastly.—To the extraordinary proposition that the Divine assistance claimed to be given to the Pope alone, when speaking *ex cathedra* on “ faith and morals,” descends with undiminished force to the Bishops, Priests and Curés.

Nor is there any excuse for claiming such extreme power, on the ground that justice has been withheld from their Church ; for the same Decretum of the

Council of Bishops before quoted, concludes with the following remarkable admission :—

“ We gladly acknowledge that the Church in our Province has attained a greater measure of liberty than, perhaps, in any other part of the world ; and we hope and desire that she may, by the kind favour of our civil ministers and leaders of the State, in continuation possess full and perfect liberty as far as it is possible.”†

Such are the doctrines laid down by the Roman Catholic Hierarchy in Quebec, and it is notorious that in very many instances they have been acted upon. But better than a hundred special cases is the present attitude of both ordinary political parties towards the Priesthood, and the evident conviction in the minds of their leaders that victory will rest with the party favoured by the Roman Catholic Church.

I hold that, knowing as we now do the extreme scope that may be given, and, in fact, is given in Quebec to the claims of the Church of Rome, it constitutes a legitimate cause for apprehension and distrust, when we perceive the Local Government of our Province passing completely under the influence of the Hierarchy. With the immense range of power given by the Act of Confederation to the Local Legislatures, covering the whole body of civil law, it is of most serious import to us to learn that the maintenance of all our civil rights is henceforward to be entrusted to a body of men who are taught that the Pope is supreme, and that all human enactments are subject to his revision whenever he may please to pronounce that they fall within the charmed circle of “ faith and morals.”

Passing, however, from the general to the particu-

† *Laetantes vero confitemur majorem libertatis gradum Ecclesiam adeptam esse in nostra Provincia quam forsán in ullo alio orbis terrarum, loco, simulque sperantes cupimus ut plenam perfectamque libertatem, in quantum possibile est, deinceps possideat, faventibus gratiosis civilibus ministris et reipublicæ ducibus.*

lar, we observe that already free thought and free speech have been anathematized in the case of the Institut Canadien, and its member, the late Joseph Guibord. The Press has been placed under ecclesiastical ban in the case of the *Montreal Witness*, and in ominous warnings to other French-Canadian journals. The Clergy have also succeeded in drawing under their own control the expenditure of most of the public money voted for Charities, Reformatories and Asylums, also for Colonization; and, in the case of Education, have obtained, last Session, the entire management of this most important subject, as regards Roman Catholics. The influence already exerted over the consciences of the simple and trustful French-Canadian peasantry is already most marked and we may readily conjecture what it will become when the education of the masses is all entrusted to the same hands. Power is now given to the Roman Catholic Bishops to divide the whole Province into ecclesiastical parishes; and we know that this is being done irrespective of, and, in many instances, against the wishes of the Roman Catholic parishioners. The action of the Privy Council in relation to Guibord has been provided against in the future, by legislation obtained this year—giving full control of burials to the Clergy. And probably, for the first time within any British Province, the authority of a foreign potentate is cited as necessary for the due execution of the law: the Quebec Act, 38 Vic., Cap. 29, respecting the erection of certain Parishes at Montreal, contains the following extraordinary clause:—

“3.—Each Parish thus recognized is so recognized, subject to the provisions contained in the decree of erection relating to it, *as amended by the Holy See*, and published in 1874 in such Parish.”

And the marginal note in the Statute is significant of the future: “*Decrees amended by our Holy Father the Pope are binding.*”

It may be argued that all these points relate to Roman Catholics only ; but I contend that they have a most important influence on every British subject in Quebec, and cannot be lightly passed over. To those who may believe that this course of action is ephemeral, and will pass away with the lives of one or two very aged men, I recommend the careful perusal of Abbé Paquet's Lectures on "Liberalism," delivered at the Laval University in 1874, and approved by the Archbishop. It will there be seen that the course of teaching in the first Roman Catholic University in Quebec is of the most extreme description, and inculcates obedience to the Church of Rome in respect to every condemnation of civil rights and civil government contained in the Syllabus.

Therefore ; with the history of the excitement now prevailing in Europe, and the course of events in our Province before us, my first question must be answered in the affirmative. "The attitude of the Roman Catholic Church towards civil society has changed since Confederation, and such change has been signalized in Lower Canada by overt action."

2

Has such change affected the general rights of Protestants as citizens of Quebec, and especially weakened their guarantees obtained at Confederation ?

The reply must necessarily be argumentative, and addressed rather to those Protestant politicians, now basking in the sunshine of Episcopal favor, who say : all this concerns Roman Catholics only ; both political parties are alike in professed submission to the Church ; it does not affect us so long as we are unassailed, and meantime we should act with those who in the past were our friends and allies. I answer that the past has

disappeared, and we are confronted with a near and ominous future. The past was bright with actions and declarations all significant of equality of creeds; of liberty of thought and deed; the entire separation of Church from State was solemnly entered on the Statute Book; the Roman Catholic Church reposed on the guarantees granted by the British Crown; it was not aggressive, it meddled not with political strife, it pretended to no superior rights over other Churches, and though it was as a rule favorable to the conservative party, it never presumed to dictate to the leaders of that party, their political course. All this has changed, and we look in vain for that independence of thought and action which characterized our former French Canadian leaders, in those who have since Confederation administered the Government of Quebec. The party may be called the same, but I fail to recognize it, and few will do so who know that that party was created and led by those wiser minds, who retrieved themselves from the false step of the insurrection of 1837-'8, and afterwards led the way in all the necessary Liberal measures that followed the union of Upper and Lower Canada; the settlement of the Clergy Reserves—the abolition of the Feudal Tenure—the introduction of the municipal system—the establishment of National Education, and a host of other beneficent measures. These were the men who, understanding the mighty difference between Reform and Revolution, paused when their goal was attained, and became the Conservative party to which I had the pride and pleasure to belong. Can any one say that the present men are their successors in aught but name? Can words more expressive of profound submission to the Priesthood be found than the language used in the debate on the Address by their leader in the House of Commons, Mr. Masson, sustained, as it was, by Mr.

Langevin, from whom I should have hoped for more independence.

It is natural that those who enjoy the present favor of the Hierarchy should be their defenders and apologists,—and it is also natural that those who have suffered through their interference should appear to be my allies at this moment, and it has not therefore surprised me, that in my recent pamphlet, I should be understood as having changed my political status. My language has not, however, been weighed with the same care with which it was used by me. I have said: “I find but one line of duty open to me, and that is to give my hearty support and sympathy to the *Liberal Catholics* of Quebec.” The whole tone of my pamphlet shewed, I think clearly, that I had no concern with the party politics of the day, which would have been the case had I transposed the phrase and said *Catholic Liberals*. Unfortunately, I am too well aware that neither Rouge nor Blue are free from clerical subserviency. What I asked for in my letter to Mr. Robertson of 31st May, and what I seek to obtain now, is “a public and explicit “declaration that they reject and refuse to acknowledge “the authority claimed for his Church by the Roman “Catholic Bishop of Montreal in all matters pertaining “to public law and the government of the country.”

Such a declaration as the above can only have force coming from the party in power. It is clearly only to be obtained by a union of the Protestants, not merely with the Liberal Catholics of Quebec, be they politically Conservative or so-called Rouge, but with the Catholics in other parts of the Dominion.

According to my apprehension of the circumstances, I think the country is threatened with very grave evils, and I desire to avert the danger—not through the special action of any purely political party,

but, through an appeal to the good sense of all. It would be perfectly idle to expect that the Lower Canada Liberals would, as a party, take the same ground I do, when we see that the very opening of the question arrays one of their most distinguished leaders, and a Protestant, in the same ranks with his life-long opponents.

There is scarcely a subject that can be named that does not fall more or less directly within the scope of the Local Legislature; and, as citizens of Quebec, the Protestants have, therefore, good reason for jealous apprehension at the encroachments of the Hierarchy. It is not sufficient for their re-assurance to be told these measures concern Roman Catholics only, and that they may repose in security upon the guarantees obtained at the completion of Confederation.

These guarantees were obtained under a totally different state of public affairs from that which exists now; and, being intended as a protection for the faith and liberties of the minority against possible wrong to be sustained at the hands of the Roman Catholics, it becomes of essential importance to recognize the serious change that has been wrought in the Church of Rome through the publication of the Syllabus and the promulgation of the Vatican Decrees. Responsible as I was, in a great measure, for the sufficiency of these guarantees, I claim that no blame can fairly attach to me for not foreseeing the attitude the Church of Rome was in a few years to assume, and the consequent extent to which the precautionary measures might prove inadequate. But this responsibility surely entails upon me the duty of raising my voice as soon as there is evidence of danger, and of doing what may, in my judgment, still appear possible to preserve the harmony and good-will we must all desire to maintain in a com-

munity differing, as we do, in creed, language and nationality.

Let me, then, examine what the Protestant guarantees consist of, in order that the question of their sufficiency at present may be distinctly understood.

They are three in number : Education, Representation, and, most important to us of all, the Veto power reserved in the hands of the Federal Government at Ottawa.

EDUCATION.

By the 93rd Clause of the British North American Act, it is provided :—

93. In and for each Province the Legislature may exclusively make Laws in relation to Education, subject and according to the following Provisions :—

1. Nothing in any such law shall prejudicially affect any Right or Privilege with respect to the Denominational Schools which any Class of Persons have by Law in the Province at the Union :

2. All the Powers, Privileges, and Duties at the Union by Law conferred and imposed in Upper Canada on the Separate Schools and School Trustees of the Queen's Roman Catholic Subjects shall be and the same are hereby extended to the Dissentient Schools of the Queen's Protestant and Roman Catholic Subjects in Quebec :

3. Where in any Province a System of Separate or Dissentient Schools exists by Law at the Union or is thereafter established by the Legislature of the Province, an Appeal shall lie to the Governor General in Council from any Act or Decision of any Provincial Authority affecting any Right or Privilege of the Protestant or Roman Catholic Minority of the Queen's Subjects in relation to Education :

4. In case any such Provincial Law as from Time to Time seems to the Governor General in Council requisite for the due Execution of the Provisions of this Section is not made, or in

case any Decision of the Governor General in Council on any Appeal under this Section is not duly executed by the proper Provincial Authority in that Behalf then and in every such Case, and as far only as the Circumstances of each Case require, the Parliament of Canada may make remedial Laws for the due Execution of the Provisions of this Section and of any Decision of the Governor General in Council under this Section.

The only status, therefore, which we are guaranteed under the Imperial Act of Confederation is that existing at its passage. Now, it is well known that this was wholly unsatisfactory to the Protestants, especially in Montreal and Quebec; and an endeavour to pass the requisite amendments made in the last Session of the Canadian Parliament was defeated. So important did I regard this defeat, that I resigned my seat in the Government, and declined any greater share of responsibility than was accepted by other Protestant representatives. However, as it threatened to interpose most serious obstacles to the acceptance of Confederation, it was finally agreed, to be satisfied with the assurances of Sir George Cartier and the French-Canadian Roman Catholics following him; that, at the first Session of the Local Legislature of Quebec, the required legislation should be obtained, and that the Local Government should be so organized as to ensure this result. Though not a member of the Government, I formed one of the delegation to London, and assisted in the compilation of the Act of Confederation; and, on the 1st February, 1867, when Confederation took place, I re-entered the Ministry, and, with the assistance of Sir George Cartier and the Hon. Mr. Langevin, the School Bill, as it now stands, was passed; but even then it was not attained without great difficulty, as can be testified by all who were acting with me in Quebec at the time.

The educational rights of Protestants as respects

much of the principle and mode of taxation, separate management and other important points are, therefore, *not secured* by the Act of Confederation ; but rest upon a Provincial Statute of Quebec ; that is subject to repeal, if not prevented by the *veto power*.

REPRESENTATION.

The representation guarantees enjoyed by the Protestants consist in the following provisions of the B.N.A. Act :—

80. The Legislative Assembly at Quebec shall be composed of Sixty-five Members, to be elected to represent the Sixty-five Electoral Divisions or Districts of Lower Canada in this Act referred to, subject to Alteration thereof by the Legislature of Quebec : Provided that it shall not be lawful to present to the Lieutenant Governor of Quebec for Assent any Bill for altering the Limits of any of the Electoral Divisions or Districts mentioned in the Second Schedule to this Act, unless the Second and Third Readings of such Bill have been passed in the Legislative Assembly with the Concurrence of the Majority of the Members representing all those Electoral Divisions or Districts, and the Assent shall not be given to such Bill unless an Address has been presented by the Legislative Assembly to the Lieutenant Governor stating that it has been so passed.

Electoral Districts of Quebec specially fixed.

COUNTIES OF

Pontiac.	Missisquoi.	Compton.
Ottawa.	Brome.	Wolfe & Richmond.
Argenteuil.	Shefford.	Megantic.
Huntingdon.	Stanstead.	
Town of Sherbrooke.		

At best, it was felt at the time to be a guarantee of a most illusory nature, liable to be disturbed by natural causes. But in what position does it now stand ? Under the guise of re-patriation, large sums of money have been annually voted, and the most persistent efforts

made for the purpose of filling our reserved constituencies with French-Canadian Roman Catholics, whenever an opening could be found or made.

Already our hold on these constituencies is so weakened, that, with one or two exceptions, the candidate receiving the Roman Catholic vote will always secure his election. And when the day arrives that Mgr. Bourget's dogma prevails as to "who are those who are not to be voted for," it will be seen that our guarantee is gone. One session, with an obedient majority from the guaranteed constituencies, will be sufficient to re-cast the boundaries of each and all, and scatter to the winds this one of our impregnable securities; *unless*, as in the case of the Education law, the *veto power* be exercised.

VETO POWER.

We have the guarantee that all local legislation is subject to revision and veto by the Governor-General; or rather, to speak more practically and intelligibly, by the Federal Government. The Clauses in the Confederation Act are as follows:—

56. Where the Governor General assents to a Bill in the Queen's Name, he shall by the first convenient Opportunity send an authentic Copy of the Act to One of Her Majesty's Principal Secretaries of State, and if the Queen in Council within Two Years after Receipt thereof by the Secretary of State thinks fit to disallow the Act, such Disallowance (with a Certificate of the Secretary of State of the Day on which the Act was received by him) being signified by the Governor General, by Speech or Message to each of the Houses of the Parliament or by Proclamation, shall annul the Act from and after the Day of such Signification.

90. The following Provisions of this Act respecting the Parliament of Canada, namely,—the Provisions relating to Appropriation and Tax Bills, the Recommendation of Money Votes, the *Assent to Bills, the Disallowance of Acts, and the Signification of*

Pleasure on Bills reserved,—shall extend and apply to the Legislatures of the several Provinces as if those Provisions were here re-enacted and made applicable in Terms to the respective Provinces and the Legislatures thereof, with the Substitution of the Lieutenant Governor of the Province for the Governor General, of the Governor General for the Queen and for a Secretary of State, of One Year for Two Years, and of the Province for Canada.

The veto by the Federal Government is the real palladium of our Protestant liberties in Lower Canada. I have already shewn that our educational rights are only safe under its shelter, and that our representation guarantee will, some day, “dissolve into thin air” without its exercise. Let me now point out that in the firm but moderate use of this vast power, safety may yet be found from the undue encroachments to which both Protestants and Catholics are exposed. But it is negative only; and if the opportunity for its exercise be lost, it is impotent to remedy the evil.

No one can blame me then for endeavouring to enlarge the sphere for discussion of our Lower Canadian difficulties. Our last and most potent guarantee is in the hands of the Federal Government, and if the exercise of this pre-eminent authority be assured, through the establishment of a sound and pronounced public opinion on the subject now under discussion, we may await the issue with less misgiving.

On the other hand, if no voice of warning be raised,—if nothing be heard but adulatory pæans to the Hierarchy, to obtain their political support and influence, how can we expect to receive attention, when we appeal to a Government at Ottawa, almost all of whose supporters from Quebec owe their seats to the clergy—and of whose opponents, a like proportion are also hopelessly entangled. What chance of getting the Veto exercised, if nine-tenths of the Quebec votes are

ready to declare want of confidence in the Government that ventures to do it, and what else could the nine-tenths do in their position ?

I might extend this argument much more, and support it by a variety of facts drawn from the legislation and administration of affairs in Quebec, since 1870,—but I prefer to take only those striking points with which we are in a great measure familiar, and comparing the position of Quebec now, with what it was, prior to the Syllabus and Vatican Decrees, I unhesitatingly affirm that “Such change has affected “the general rights of Protestants, as citizens of the “Province of Quebec, and especially, has weakened their “guarantees obtained at Confederation.”

3

Is the Issue thus raised Political or Religious ?

It now only remains for me to consider, whether, the affirmative answers necessarily given to the two questions propounded, form a Political or a Religious issue, and may be discussed without trespassing upon theological ground.

My own conviction is clear that the discussion belongs wholly to the Civil or Political phase of human society, and in the foregoing remarks, while necessarily holding my views as a Protestant on the dogmas of the Vatican Council, I have tried to avoid any reference to them, which could be interpreted as in any way disputing their claim to entire acceptance by Roman Catholics. Should it prove, as many gloomily predict, that these Decrees have left no common standing ground, as fellow citizens, for those who are in, and those who are out of the pale of the Roman Church, it will soon be painfully manifest, and each must act as his conscience dictates.

Although I am myself, I trust, a sincere Christian, yet reading and observation have taught me that Religion, be the particular creed what it may, is a sentiment of the human mind, more or less profound according to the idiosyncrasy of the individual. Apart from its moral teachings,—which have very widely differed in different ages, and among the various races of the world,—it has no temporal power whatever ; it deals exclusively with the interest of man beyond the grave ; and though men have constantly presumed to pronounce upon the future fate of their fellow mortals, it is certain that the final judgment will be rendered by the Omniscent, who alone cannot err. The necessary and logical deduction from this peculiarity of the religious sentiment, has been, that, from the very earliest ages, and under every system of faith that has prevailed, the teachers have been compelled to seek from the Civil powers, the authority to enforce their doctrines.

The Christian form of religious belief, and its teachings, as developed by men, have, in the course of nineteen centuries, followed precisely in the same steps. We shall search in vain for a period when human power, human law, and Civil government, have not been grasped at by the Church as a means of compelling obedience to their dogmas. It is thus clear, that unless Civil society chooses to wield the weapon against itself, the “spiritual sword” of the priesthood will be powerless to wound.

These observations are, I suppose, trite enough, but I think they will not be considered out of place, when they are intended to preface my appeal to all good citizens, whether Catholic or Protestant, to resist the present attempt of the Roman Catholic Hierarchy to control the Local Government of Quebec.

The State—whether rightly, Protestants as gene-

rally think, or wrongly, as the Syllabus teaches—has the supreme power on earth, and can compel compliance with its decrees. The Courts of Justice declare the rights and obligations of every one, in the eye of the law. To cite extreme examples; in England we see points affecting the doctrine of the Church of England frequently settled by the Courts;—we see clergymen directed to administer the sacrament itself when it had been illegally withheld;—we have seen the ecclesiastical sentence against Joseph Guibord prohibiting his burial, reversed by the Privy Council, and we all know that no unjust sentence or injury can be inflicted by Bishop or Priest affecting temporal interests, for which our law will not provide a remedy.

It is certainly not a religious question, but a political or civil one, whether we shall change this state of things—whether we shall surrender our civil rights into the hands of the Priesthood or not—whether we shall permit them to use at our elections an undue influence infinitely more powerful and more dangerous than that of gold or intemperance—whether they shall dictate to us what we shall say, or read, or think, and thus gradually shackle all the energy and intelligence of our young Dominion?

Well may “Ultramontane,” in the letter to which reference has previously been made, say of the Pastoral of 1st February, issued by Mgr. Bourget, that he “makes bold to call (it) the most extraordinary document ever issued by a Catholic Prelate”; but, unfortunately, there are, as I have shown, others nearly or quite as remarkable, as yet, disavowed by no superior authority. I rejoice, however, to observe the sensible course adopted by Archbishop Lynch, and it emboldens me to address my fellow-subjects generally of the Roman Catholic, rather than those of my own faith, in entreating them

to unite with those, both Catholic and Protestant in Quebec, who deplore and resent the attitude of the Hierarchy.

Let not our sister Provinces wrap themselves up in indifference—they will soon learn that what injures Quebec, injures them,—and that agitation and discord here, means trouble and disturbance at their own doors. It would ill become a man of my years and experience, even if it suited my taste, to use the language of menace, but I may fittingly employ words of entreaty and warning,—and I therefore do in the most earnest manner, pray for such sympathy and help as will arrest the designs of those who are now troubling us. Let the Roman Catholics (I speak wholly without reference to party terms) in Ontario and the Maritime Provinces, assure those of their own faith here, that they may rely on their aid,—and we shall soon see such a phalanx drawn from both political parties, and united with the Protestants, as will make the Hierarchy pause, and return to their proper sphere of teaching piety and morality to their people while living, and supporting them in death with the comforting assurance of happiness hereafter.

Permit me to recall a page from the past history of our noble Province. In 1836 the French Canadians, in the pursuit of many laudable reforms, mixed, unfortunately, with much that was national and sectional, allowed themselves to become involved in open contest with the supreme power, and with their English-speaking fellow-subjects. The issue was most disastrous, and for the time not only deprived them of all civil rights, but so seriously alarmed the minority, that, though possessing the control of the Government, the latter sought and obtained safety through union with Upper Canada. Should the encroachments of the Hierarchy,

and their influence over their people, once more provoke a contest, history will possibly repeat itself, and the discord of Quebec be extinguished by the change from a Federal to a Legislative Union of British North America. Many events already transpiring point to such a change, and if the Protestants are once thoroughly alarmed, and find their civil rights invaded, it may be found the easiest and safest measure to restore harmony. Already we may accept the note of warning, conveyed in the formation of the Protestant Defence Alliance, and its spreading organizations. It is only the first indication of growing discontent, and should not be disregarded till other and more menacing demonstrations are made. One thing is certain, that the rest of the Dominion cannot allow Quebec, to become the seat of chronic agitation and disorder, to the injury and danger of the other members of the Confederation.

But if it be not so, and this struggle is allowed to extend and intensify, then the day which sees the triumph of the priest, will usher in that which will overthrow his power for ever. It is impossible that in a Province of the Protestant empire of Great Britain, on the continent of America, in the presence of Forty Millions of Protestants, a slavery should be imposed upon us by the Roman Catholic Hierarchy, which exists no longer even under the shadow of the Vatican. Free speech—free thought—and a free press, must have the fullest scope in America; and if, in a wild scheme to reduce them to obedience to the will of the Priesthood, they be for the moment repressed, all history tells us that the torrent when it bursts, will sweep away far more than the barrier that arrested its course,—and will leave behind the wreck of many noble Catholic institutions, to mock the folly of those, who make unwilling adversaries, of natural and affectionate friends.

In conclusion, let me endeavour to comply with the demand made upon me from various quarters, to point out some course of action which will avert the evils of which I complain. The course is plain and the result certain, but it involves the co-operation of the leaders of our rival political parties, and can therefore, only be obtained through pressure upon them. If the leaders of both political parties would, for once, lay aside their mutual jealousies, and unite in a declaration to the Hierarchy, that their interference must absolutely cease, or that all would unite in legislation to check it effectually, this affair must end. To attain this object, I suggest an organization composed of Catholics and Protestants, irrespective of creed, nationality or political party, for the maintainance of the Civil Rights of the people; such an organization, thoroughly in earnest, would bring sufficient pressure on our rulers, both at Ottawa and Quebec, to ensure their compliance, and to settle for our day at least, the proper and harmonious relations of Church and State.

A. T. GALT.

MONTREAL, 3rd April, 1876.



